

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 BRODIE M. BUTLAND  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
4 Telephone: (559) 497-4000

5 Attorneys for Defendant United States of America

6  
7 IN THE UNITED STATES DISTRICT COURT  
8  
9 EASTERN DISTRICT OF CALIFORNIA

10 SYLVIA AHN,

Plaintiff,

v.

11  
12 GEO GROUP, INC., et al.,

Defendants.

CASE NO. 1:22-CV-00586-CDB

NOTICE OF MOTION AND MOTION TO  
DISMISS PLAINTIFF'S THIRD AMENDED  
COMPLAINT

Date: July 31, 2024

Time: 10:30am

Location: Bakersfield Courthouse  
510 19th Street  
Bakersfield, CA 93301

13  
14  
15  
**NOTICE OF MOTION AND MOTION TO DISMISS**

16 PLEASE TAKE NOTICE, that pursuant to Federal Rules of Civil Procedure 12(b)(1) and  
17 12(b)(6) and Local Rule 230, Defendant United States of America moves to dismiss all claims against it  
18 in Plaintiff Sylvia Ahn's Third Amended Complaint (ECF 74). The Motion will be heard before the  
19 Honorable Christopher D. Baker, United States Magistrate Judge, on July 31, 2024, at 10:30am in the  
20 Bakersfield United States Courthouse, 510 19th Street in Bakersfield, California, or such other time as  
21 the Court directs.

22 The Court lacks jurisdiction over claims against the United States, and plaintiff has failed to state  
23 a claim against the United States, because (1) the United States is immune from claims based on the acts  
24 or omissions of an independent contractor; and (2) all of alleged acts or omissions by the United States  
25 fall within the discretionary function exception to the FTCA.

26 This motion is based on this notice of motion and motion and Defendant's concurrently filed  
27 Memorandum, the previously-filed Declarations of Nancy Gonzalez and Natasha Nguyen and the

1 exhibits thereto, the record of this case, and such other evidence or argument as the Court may consider.

2

3

4 Dated: June 12, 2024

5

6

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

7 By: /s/ Brodie M. Butland  
8 BRODIE M. BUTLAND  
Assistant United States Attorney

9 Attorneys for Defendant

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28